

REMARKS

Attached herewith is a Declaration under 37 CFR 1.132 by a person of skill in the art in the subject matter of the claimed invention. Also attached herewith is the curriculum vitae of the Declarant as well as a list of his publications. Finally, attached herewith are nine references referred to in the Declaration.

The Declarant indicates that it is his expert opinion and belief that it is surprising and unexpected that the claimed transgenic rat has spontaneous epileptic seizure during sleep as it is very difficult to induce epileptic seizure in rats and even in mice it is difficult to have spontaneous epileptic seizure during sleep without drug inducement. In fact, the Declarant notes that only three lines of transgenic mice have spontaneous epileptic seizures. Such mice don't express spontaneous epileptic seizure during sleep. Thus, it is the Declarant expert opinion and belief that the claimed rat animal model of spontaneous epileptic seizure during sleep is not obvious over the prior art as such model is surprising and unexpected.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

Shinichi HIROSE et al.

/William R.

By **Schmidt, II/**

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